

REMARKS

Claims 1-3 and 5-8 are pending. By this Amendment, no claims are cancelled, claim 1 is amended and no new claims are added.

Claim Rejections Under 35 USC 103

Claims 1, 3, and 5-8 were rejected as obvious over Hosoi '392 in view of Gregerson et al. '194. Claims 1, 2, and 5-8 were rejected as obvious over Hosoi '392 in view of Gregerson et al. '194 in further view of "the admitted prior art" in the application. Claim 1 has been amended to further clarify that the claimed invention includes a layer of fire retardant plastic material on the outer surface of the door of a wafer carrier where both the enclosure and the door of the container are made substantially from polycarbonate. This claim amendment is made solely to advance prosecution, and does not constitute any waiver or disclaimer of subject matter by Applicant. Applicant respectfully traverses the rejections in view of the claims as amended.

The passage of Hosoi '392 cited by the Examiner (col. 6, ll. 53-55), and for that matter any other part of Hosoi '392, simply does not teach or suggest that "[t]he enclosure material is polycarbonate and the door material is PEEK" as stated by the Examiner. The cited passage is merely a general statement that the "outer door" of the Hosoi '392 container "may be of any material, be of any manufacturing method, of any shape or configuration as long as it has a similar function." There is no teaching or suggestion in Hosoi '392 of the problem addressed by the present invention (inhibition of vertical fire spread in wafer container stockers) and there is no other consideration mentioned in Hosoi '392 that would give one of ordinary skill in the art any reason to choose any particular material over another for the outer surface of the door. The Examiner's rationale amounts to an "obvious to try" approach – that is, it would have been obvious to try all possible combinations of materials for a wafer container until one happened to hit upon the claimed combination. Apart from hindsight gleaned from Applicant's disclosure,

however, there would have been no reason for one of skill in the art to try various combinations of materials at all, let alone the specific materials positioned in the specifically targeted location on the wafer container of the claimed invention.

Applicant further traverses the “Official Notice” taken by the Examiner that “the molded layer of fire retardant material on the exterior surface of the door as in claim 6, the application of an exterior fire retardant layer by adhesive as in claim 7 and the affixing of an exterior fire retardant layer by mechanical fasteners as in claim 8 are well known.” Official notice is appropriately taken only for facts “capable of instant and unquestionable demonstration as being well-known.” See M.P.E.P. 2144.03. Applicant is not aware of any reference describing applying a layer of fire retardant material to the outer surface of a wafer carrier, or for that matter, any reference describing applying a layer of diverse polymer material to the outer surface of a wafer carrier for any other reason. Since the “facts” for which official notice are being taken are not capable of demonstration by any evidence of which Applicant is aware, official notice is not appropriate. Accordingly, pursuant to M.P.E.P. 2144.03(C), Applicant respectfully demands that the Examiner provide evidentiary support for the proposed official notice or that it be withdrawn.

Applicant also traverses the Examiner’s characterization of “admitted prior art” in the application. Applicant respectfully submits that the specification states only that PEI and the other materials mentioned on page 11 are “known to be acceptable for use in wafer carriers.” There is no admission that PEI or any other of the materials mentioned were known to be used on the outer surface of a wafer carrier door as suggested by the Examiner. Moreover, the Examiner’s remarks concerning the FPI of PEI material are pure hindsight gleaned from Applicant’s disclosure. Based on the foregoing, Applicant respectfully requests that the rejections be withdrawn.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Bradley J. Thorson', written over the printed name.

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